

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>RALPH HARRISON BENNING,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:08-CV-435(MTT)</b>
	)	
<b>STATE OF GEORGIA, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**ORDER**

This matter is before the Court on the Defendants' Motion to Continue (Doc. 37). Pursuant to the Court's instructions (Doc. 7), discovery was to be completed within ninety (90) days from the date of the filing of an answer or dispositive motion by the Defendants. Discovery was stayed by Order (Doc. 13) of this Court dated March 18, 2009, until the Court ruled on the Defendants' Motion to Dismiss (Doc. 11), which the Court did on October 12, 2010. On October 21, 2010, the Defendants filed their Answer (Doc. 33), and on November 2, 2010, the Court entered an Order (Doc. 34) scheduling a pre-trial conference on December 1, 2010.

To allow the parties ample time to pursue discovery and file any dispositive motions and responses thereto, the Defendants' Motion to Continue is **GRANTED**. At the Defendants' request, the Court will use the date the Defendants filed their Answer, October 21, 2010, as the start date for the ninety day discovery period.<sup>1</sup> Thus, discovery shall be completed by January 19, 2011, and any motions for summary

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<sup>1</sup> The correct date for the commencement of the ninety day discovery period is October 12, 2010, the date the Court ruled on the Defendants Motion to Dismiss and, effectively, lifted the stay of discovery.

judgment shall be filed by February 18, 2011. The Court will schedule a pretrial conference and set a date for trial at a later time. Accordingly, the Plaintiff's Motion to Reschedule Pretrial Conference and Trial (Doc. 38) is denied as **MOOT**.

**SO ORDERED**, this 12<sup>th</sup> day of November, 2010.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT